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| APPLICATION NO.                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/039,588                             | 12/31/2001  | David J. Sager       | 42390.P12010        | 2211             |
| 7590                                   | 03/18/2005  |                      | EXAMINER            |                  |
| Peter Lam                              |             |                      | LI, AIMEE J         |                  |
| BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |             |                      |                     |                  |
| Seventh Floor                          |             |                      | ART UNIT            | PAPER NUMBER     |
| 12400 Wilshire Boulevard               |             |                      | 2183                |                  |
| Los Angeles, CA 90025-1026             |             |                      |                     |                  |
| DATE MAILED: 03/18/2005                |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                 |              |
|---|-----------------|--------------|
| <b>Notice of Non-Compliant<br/>Amendment (37 CFR 1.121)</b> | Application No. | Applicant(s) |
|   | 10/039,588      | SAGER ET AL. |
| Examiner  | Art Unit        |              |
| Aimee J Li  | 2183            |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 06 January 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: Claim 5 is dependent on claim 41 as currently written. It is unclear whether there is a strikethrough to delete the "4" so that claim 5 is dependent on claim 1, not claim 4, since there is no claim 41. Please double bracket five or fewer characters, especially when strikethroughs are hard to discern through a characters, such as with the number "4". See the flyer for more information.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ola/preognitice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.